

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EMILY SPEIRS, Each Individually and on  
Behalf of All Others Similarly Situated; and  
M.S., a Minor, by Emily Spiers, her Mother and  
Next Friend, Each Individually and on Behalf of  
All Others Similarly Situated;

Plaintiffs,

vs.

MOUTH OF THE SOUTH; CBD, LLC;  
CUTCHALL MANAGEMENT COMPANY,  
INC.; and RYAN D. ERNST,

Defendants.

**8:21-CV-298**

**AMENDED ORDER ON STIPULATION  
FOR DISMISSAL**

On August 12, 2022, pursuant to the parties' Joint Stipulation, the Court entered an Order dismissing this case with prejudice as to separate plaintiff M.S. [Filing 41](#). Because the Joint Stipulation was silent as to the issue of costs and attorney fees, the Court stated that unless the parties agree or have agreed otherwise, each party would pay its own costs and attorney fees. This case is now before the Court on Plaintiff's Unopposed Motion for Reconsideration. [Filing 42](#). In that Motion, Plaintiff states that the parties had previously agreed that, if they were unable to agree on a reasonable attorney's fee, Plaintiff would submit a petition for an award of attorney's fees. Plaintiff asserts that, as written, the Court's Order precludes Plaintiff from submitting a fee request to this Court if the parties are unable to agree to a reasonable fee. Consequently, Plaintiff requests, and Defendants do not oppose, reconsideration of the Court's Order as to Plaintiff's right to



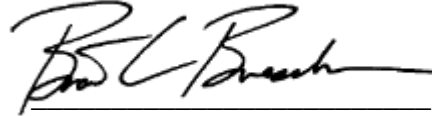
petition this Court for a reasonable attorney's fee and costs. The Court deems it appropriate to amend its Order on Stipulation for Dismissal as requested.

Accordingly,

IT IS ORDERED that the Court's Order on Stipulation for Dismissal, [Filing 41](#), is amended as follows: Plaintiff is permitted to petition this Court for an award of a reasonable attorney's fee and costs should the parties be unable to agree.

Dated this 17th day of August, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge